

**REMARKS****Claim Selections – 35 USC § 102**

The Examiner states on page 2 of the Office Action that "since SMTP is a signaling protocol... and since this signaling protocol uses an applet embedded in the message, as taught by Edwards, a feature wherein software code is used by the destination terminal in order that the software controls" it.

Applicants respectfully disagree with the Examiner as Edwards does not disclose embedding applet within an SMTP message which is the signalling protocol that enables an email message to be sent across the network. Edwards only discloses "an email system which allows telephony applets to be included in email messages" (Abstract lines 2-3) and an email message is not the equivalent of an SMTP message as described below.

SMTP messages set up a connection between the station transmitting an email and the station receiving an email i.e. they help to control a communications network across which email messages are to be sent. In the same way an SIP (another type of signalling protocol) message enables a connection to be set up between two telephones allowing a telephone conversation to be carried out.

In contrast, an email message is designed to transfer the substance which a person wishes to communicate to another terminal. The email message can therefore be considered as a written telephone call made across the communications network. Hence, Applicants accept that the SMTP is equivalent to SIP in the sense that they are both signalling protocols which act to control a communications network and an email is equivalent to a telephone call to the extent that they both convey information from one user to another across the network. An email message is not equivalent to an SMTP message.

Therefore, as Edwards teaches a system "which allows telephony applets to be included in email messages" emphasis added (Abstract, lines 2-3) and the embedding of an applet within an email would be understood by one skilled in the art not to be the equivalent of

embedding an applet within an SMTP message i.e. a signalling protocol message (such embedding is not in any case permitted by the SMTP standard). Therefore, Applicants submit that Edwards does not disclose "associating computer software code with at least one signalling protocol message" as claimed in Claim 1. Hence, Applicants submit that Edwards does not anticipate Claim 1.

Furthermore, Applicants submit that signalling protocol messages such as SMTP and SIP are not designed to carry any payload themselves. Rather, they are designed to set up a transmission pathway to allow transmission of payload, for example, in the form of an email or telephone call.

For example, in RFC 2543 (Handley, et al – cited in the June 6 2003 office action), SIP is described as having a message body (section 6 pages 84 and 85). The message body is tightly defined as always including information of an advisory or session descriptive nature associated with particular types of request or response message. The types of message content defined in RFC 2543 exclude computer software code.

Thus, Applicants submit that there is a technical prejudice in RFC 2543, and in the mind of the skilled artisan, against including computer software code in a SIP message body.

SMTP, like SIP, is a signalling protocol designed to convey commands for setting up a transmission link so that an email can be sent across a communications network. SMTP is not designed to carry any data which a user can interact with across the network itself. Therefore, Applicants submit that one skilled in the art would not, on reading Edwards claim to place computer software data within a signalling protocol message. To do this would go directly against the SMTP standard.

For these reasons Applicants submit that Claim 1 is not anticipated by Edwards.

Applicants submit that Claims 2 to 11 are not anticipated by Edwards at least by virtue of their dependencies.

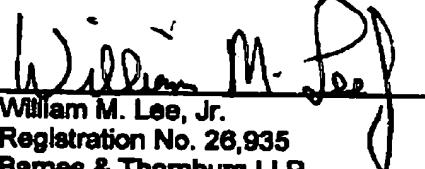
Claim 14 recites "a processor arranged to access any computer software code associated with received (SIP) messages in use". As stated above, one skilled in the art would not learn from Edwards to place computer software code within a session initiation protocol (SIP) message and, therefore, Claim 14 is not anticipated by Edwards.

Applicants submit that Claim 15 is not anticipated by Edwards at least by virtue of its dependency.

Given the above, it is submitted that this application is in condition for allowance, and such action is solicited.

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Respectfully submitted,

  
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